

Application No. 09/973,290

REMARKS/ARGUMENTS

This paper is in response to the Office Action dated December 5, 2003.

In the aforementioned Office Action, the Examiner has rejected claims 14-21 under the judicially created doctrine of obviousness-type double patenting, more particularly over claims 30-50 of Holl et al., US Patent No. 6,159,264 and to claims 30-50 of Holl et al., US Patent No. 6,391,082.

Enclosed please find a Terminal Disclaimer, referencing Holl et al., US Patent No. 6,391,082. Holl et al., US Patent No. 6,159,264, the first document cited in the Office Action, is a withdrawn patent. If there is need for filing of a supplemental Terminal Disclaimer in relation to the withdrawn patent, Applicants respectfully request that the Examiner contact Applicants' undersigned representative via telephone or post so that appropriate action may be undertaken.

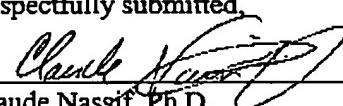
The filing of the Terminal Disclaimer obviates the Examiner's rejection and it is respectfully requested that the Examiner withdraw the pending judicially created doctrine of obviousness-type double patenting rejections and allow Claims 14-21.

Applicant has complied with all requirements made in the above referenced communication.. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is again requested to telephone the Applicants' undersigned agent.

The Commissioner is authorized to charge the Terminal Disclaimer fee under 37 CFR 1.20(d) and any additional fees which may be required for this or any other submission in this case, or credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

Date: February 27, 2004



Claude Nassif, Ph.D.
Registration No. 52,061

Customer Number 33717
GREENBERG TRAURIG LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7770
Fax: (310) 586-7800



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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**
Docket Number (Optional)
58035-011900

In re Application of: Richard A. Holl

Application No.: 09/973,290

Filed: October 5, 2001

For: Manufacture of Flat Surfaced Composites Comprising Powder-Fillers in a Polymer Matrix

The owner*, Holl Technologies Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,391,082. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


d - 27 - 2004

Signature

Date

Claude Nassif, Reg. No. 52,081

Typed or printed name

(310) 586-7828

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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